

WAIMAKARIRI DISTRICT COUNCIL

REPORT

FILE NO: BYL-42 / 090313006968

REPORT TO: Utilities & Roading Committee

DATE OF MEETING: 21 April 2009

FROM: Ken Stevenson, Roading Manager
Salwa Kiroious, Roading Graduate Engineer

SUBJECT: 5 Year Review, Speed Limits Bylaw 2004

SIGNED BY:
(for Reports to Council or
Committees)

Department Manager

Chief Executive

1. SUMMARY

- 1.1. The purpose of this report is to obtain the Committee's approval to consult the public on the review of the Speed Limits Bylaw 2004, using the attached Statement of Proposal.
- 1.2. This review is required under the Local Government Act 2002 (LGA 2002), section 158 (1), "A local authority must review a bylaw made by it under this Act no later than 5 years after the date on which the bylaw was made".
- 1.3. This review has two purposes. Firstly it is to review the wording and form of the bylaw itself and secondly it is to review actual speed limits.
- 1.4. Currently the speed limits form part of the bylaw and to change a speed limit the bylaw has to be amended. This requires a special consultative procedure to be followed and this can be time consuming and costly. It is proposed to amend the bylaw to allow the Council to change speed limits by resolution. Full consultation will still be required under the Land Transport Rule: Setting of Speed Limits. This approach is the same as Selwyn District Council and Christchurch City Council. The Utilities and Roading Committee recommended in June 2007 (Doc 070606017198) that this approach be considered by the Council.
- 1.5. The proposed changes to the speed limits are as follows.
 - Oxford Road – from 100 to 70km/h through to Lehman's Road
 - Johns Road – extend the 50km/h to beyond the new subdivision
 - Kippenberger Ave – extend the 70km/h to beyond the new subdivision
 - Townsend Road – from 100 to 80km/h for full length
 - Rangiora Woodend Road – from 70 to 50km/h from SH1 to west of School Road
 - Chinnerys Road – from 70 to 50km/h for full length
 - Pegasus and Mapleham – 70km/h on access road, 50km/h elsewhere.
 - Tram Road – from 100 to 80km/h outside Swannanoa School
 - Heywards Road – from 100 to 70km/h outside Clarkville School
 - Queen Street (Oxford) – from 50km/h to 30km/h for full length
 - MacDonal's Lane – from 70km/h to 50km/h for full length
 - Addition of Urban Traffic Areas in the UDS growth areas.

Timings:

9 May to 12 June	Submission Period
9 July	Hearings
13 July	Deliberations
1 September	Hearings Panel recommendation to full Council
xx September	Amended Speed Limits would come into force
xx September	Letters out to Agencies and Organisations as per the Speed Limits Rule (54001/1)

Attachments:

- i. Statement of Proposal
- ii. Maps showing proposed changes
- iii. Proposed Speed Limits Bylaw 2009
- iv. Proposed Register of Speed Limits
- v. Existing Speed Limits Bylaw 2004

2. RECOMMENDATION

THAT the Utilities & Roading Committee:

- (a) **Receives** report N^o 090313006968.
- (b) **Agrees** to initiate the process to make changes to the Speed Limit Bylaw 2004 to allow changes to speed limits to be made by Council resolution.
- (c) **Agrees** to initiate the process to make changes to the speed limits at the following locations
 - Oxford Road – from 100 to 70km/h through to Lehman's Road
 - Johns Road – extend the 50km/h to beyond the new subdivision
 - Kippenberger Ave – extend the 70km/h to beyond the new subdivision
 - Townsend Road – from 100 to 80km/h for full length
 - Rangiora Woodend Road – from 70 to 50km/h from SH1 to west of School Road
 - Chinnerys Road – from 70 to 50km/h for full length
 - Pegasus and Mapleham – 70km/h on access road, 50km/h elsewhere.
 - Tram Road – from 100 to 80km/h outside Swannanoa School
 - Heywards Road – from 100 to 70km/h outside Clarkville School
 - Queen Street (Oxford) – from 50km/h to 30km/h for full length
 - MacDonalds Lane – from 70km/h to 50km/h for full length
 - Addition of Urban Traffic Areas in the UDS growth areas.
- (d) **Adopts** the attached Statement of Proposal (Doc 090311006740) as meeting the Special Consultative Procedure, in relation to the review of bylaws, under the LGA 2002.
- (e) **Approves** the form of the 'Summary Statement of Proposal' (see section 4.3).
- (f) **Refers** this report to the Ward Advisory Boards and the Kaiapoi Community Board for their information.

- (g) **Appoints** Councillors to hear submissions on the proposal and to recommend decisions to Council in September.
- (h) **Notes** that the bylaw, after the review procedure, will be known as the 'Speed Limits Bylaw 2009', therefore the current Speed Limits Bylaw 2004 will be revoked.
- (i) **Notes** that the new bylaw will not be required to be formally reviewed for another 10 years.

3. **ISSUES AND OPTIONS**

- 3.1. The Council is required to review the Speed Limits Bylaw under the Local Government Act 2002 (LGA 2002), section 158 (1), *"A local authority must review a bylaw made by it under this Act no later than 5 years after the date on which the bylaw was made"*
- 3.2. Also some speed limits need to be changed due to a number of factors, such as customer requests and feedback, Council resolutions, and subdivision activity. It is appropriate that these changes are incorporated into this review.
- 3.3. The review is in two parts with one being the bylaw wording and approach and the other being a review of the actual speed limits. These are covered separately below.

Bylaw Wording and Approach

- 3.4. The current bylaw includes the speed limits and as they form part of the bylaw the bylaw must be reviewed and amended each time a speed limit needs to be changed. This requires a special consultative procedure (SCP) to be followed. A SCP is a relatively long and costly exercise as it requires a statement of proposal and formal hearings by a hearings panel, and can take approximately 6 months for a decision.
- 3.5. The alternative approach is to have an enabling type of bylaw that defines the process to be followed. Basically this approach would enable the Council to change a speed limit by Council resolution. This approach would still require consultation to be undertaken in accordance with the Land Transport Rule Setting of Speed Limits.
- 3.6. The proposed bylaw would require the Council to maintain a register of speed limits that records all speed limits. A register is required under the Land Transport Rule Setting of Speed Limits.
- 3.7. This approach would allow the Council to be more responsive in its decision making and would also be less costly. Full consultation would still be required but a formal statement of proposal and formal hearings would not be necessary. Consultation could be targeted to the specific speed limit being changed.
- 3.8. This approach is used by Selwyn District Council and Christchurch Council so adopting this approach will provide some consistency between the neighbouring authorities.
- 3.9. Options available for the bylaw wording and approach are as follows.
 - 3.9.1. Leave the bylaw as it is with speed limits included.

This option is not recommended because it is slow and costly. An advantage of this option is it provides a very high level of consultation, but in excess of what is required under the Land Transport Rule Setting of Speed Limits.
 - 3.9.2. Change the bylaw to allow changing of speed limits by Council resolution.

This option is recommended because it provides for more responsive decision making and is less costly, but it still meets the requirements under the Land Transport Rule Setting of Speed Limits.

Speed Limit Changes

3.10. When the Council last amended the bylaw in October 2007 it made a number of recommendations for the next review. These were:-

Reviews the following matters when the Speed Limits Bylaw is next reviewed in early 2009:

- The speed limit in Oxford Road between Brick Kiln Lane and Lehmans Road
- The speed limit in MacDonalds Lane
- The speed limit in Rangiora Woodend Road between Main North Road and Chinnerys Road
- A need for a policy for speed limits within cul-de-sacs.

Notes the following:

- That the Speed Limits Hearing Panel supports the change to 50km/h in MacDonalds Lane noting that the public consultation process has not been formally undertaken.

3.11. All of the items above are included in this review except that a policy has not been developed for speed limits in cul-de-sacs at this stage. It is not intended to do this as part of this review as it is not a bylaw matter as such.

3.12. In addition to the above a number of other speed limit changes have been identified or have been brought to the Councils attention.

3.13. Below is a summary of the proposed changes and the reasons for the changes.

Road	Section	Proposed Speed Limit Change	Reason
Johns Road	West of West Belt	From 100km/h to 50km/h	New subdivision has extended urban boundary further west along Johns Road
Kippenberger Ave	East of existing 70km/h zone	From 100km/h to 70 km/h	A proposed new subdivision will extend the urban boundary further east along Kippenberger Ave
Townsend Road	From existing 50km/h sign to Fernside Road	From 100km/h to 80km/h	Feedback from residents requested lowering of the speed limit. This is supported by staff due to the number of entranceways and nature of the road being adjacent to an urban area.
Chinnerys Road	Full length	From 70km/h to 50km/h	Feedback from residents requested lowering of speed limit. This is supported by staff due to the number of houses fronting this road and nature of the road

			being adjacent to an urban area.
Tram Road	Section adjacent to Swannanoa School	From 100km/h to 80km/h	Feedback from the school requested a lower speed limit. This is supported by staff and the lower speed limit will complement the 'thresholds' and new road markings that have been recently constructed.
Heywards Road	Between Tram Road and Mabers Road in front of Clarkville School	100km/h to 70km/h	Feedback from the school requested a lower speed limit. This is supported by staff and the 70km/h supports the existing speed environment.
Queen Street (Oxford)	Full Length	50km/h to 30km/h	A lower speed limit is necessary to complement the proposed physical works to create a pedestrian path on the road side for the residents of Karadean Rest Home.
MacDonalds Lane	Full length	70km/h to 50km/h	As recommended by the Hearings Panel when considering Amendment 4 to the Bylaw.
Pegasus and Mapleham	All roads including the main access road.	70km/h on main access road. 50km/h on all other roads.	Speed limits in Pegasus and Mapleham have not been formally approved by Council.
UDS Urban Growth Areas	All new roads within these growth areas. Not existing roads.	50km/h on all new roads within these areas. Existing roads do not change except if included above.	This is the appropriate time to include these areas as Urban Traffic Areas so when development occurs the speed limits will be automatically set.

Options

3.14. Options considered are as follows.

3.14.1. Proceed with the review as recommended

The advantage of this option is it meets legislative requirements, it makes the changing speed limits more responsive and less costly in the future, and it changes a number of speed limits that require changing. The disadvantage is it could be perceived as lowering the level of consultation, and it may not contain speed limit changes some people were expecting.

3.14.2. Proceed with the review without changing the approach to the bylaw

The advantage of this option is it keeps the status quo which requires a high level of consultation, even though it is higher than that required by the Speed Limits Rule, and it deals with the necessary speed limit changes. The

disadvantage is the changing of speed limits will still be a long and costly exercise.

- 3.14.3. Proceed with the review and only change the approach to the bylaw and leave the proposed speed limit changes until after the new bylaw comes into force.

The advantage of this option is it deals with just one aspect and so can be considered without the distraction of actual speed limits themselves. The disadvantage is the changing of speed limits will be delayed and community expectations will not be met.

- 3.14.4. Proceed with the review with the addition of more speed limit changes or removing some of the proposed speed limit changes from the speed limits to be reviewed should the Committee deem necessary.

This option is not recommended because time is needed to research and rate the various roads to determine whether they meet the criteria in the Speed Limit Rule or not. Removing any of the recommended changes will result in inappropriate speed limits remaining or community expectations not being met.

- 3.15. The Management Team/CEO has reviewed this report and supports the recommendations.

4. CONSULTATION

- 4.1. The public consultation will comprise notices in local newspapers, and relevant information delivered to the Council's Service Centres and Libraries. A courtesy letter will be sent to the owners of the rest homes in McDonalds Lane, Waikuku and Queen St, Oxford.

- 4.2. The Land Transport Rule: Setting of Speed Limits 2005 [54001/1] requires the Council to formally consult with a number of external agencies during the review of a speed limits bylaw. The following agencies will be consulted in accordance with this requirement, and will be consulted again with the proposed amendments:

- Adjoining local authorities (Christchurch, Hurunui, Selwyn)
- The Commissioner of Police
- The Chief Executive Officer of NZ Transport Agency
- The Automobile Association
- Environment Canterbury

- 4.3. Council intends to publish the 'Summary Statement of Proposal' in the following format:

- Background to the bylaw
- Reasons for this proposal
- The options that were available to the Council
- The Statement of Proposal, where it can be inspected and how copies can be obtained
- Details on the submission period and Hearings

4.4. Timings

9 May to 12 June	Submission Period
9 July	Hearings
13 July	Deliberations
1 September	Hearings Panel recommendation to full Council
xx September	Amended Speed Limits would come into force
xx September	Letters out to Agencies and Organisations as per the Speed Limits Rule (54001/1)

5. **COMMUNITY VIEWS**

5.1. **Maori**

It is not considered necessary to consult Maori specifically, however, the proposal will be brought up at the May monthly forum with the Runanga Executive and WDC Staff.

5.2. **External**

Feedback from the community has been used to consider speed limit changes and these have been incorporated in the recommendations.

Full public consultation on the form of the bylaw and the proposed speed limit changes will be carried out in accordance with the LGA 2002 and the Special Consultative Procedure.

Mr Martin Bell of Corcoran and French Solicitors will also provide input to this review.

6. **FINANCIAL IMPLICATIONS AND RISKS**

6.1. Most costs associated with the preparation of this review are internal, however, there will be fees from the Solicitors review of some of our consultation documents.

6.2. A risk in not proceeding with the review is that if the bylaw is not reviewed within the specified timeframe, it is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section (LGA 2002, section 160A).

6.3. This review provides the opportunity to make any amendments to this bylaw which may have come about from public concern since this bylaw was last amended. To do this now means not having to go through another amendment in the near future.

7. **CONTEXT**

7.1. **Links to Community Outcomes**

7.1.1. There is a safe environment for all

- Crime, injury and road accidents are minimised

- 7.1.2. Transport is accessible, convenient, reliable, affordable and sustainable
- The standard of our District's roads is keeping pace with increasing traffic numbers
- 7.1.3. There are wide ranging opportunities for people to contribute to the decision-making by public organisations that affects our District
- Public organisations make information about their plans and activities readily available
 - Public organisations make every effort to accommodate the views of people who contribute to consultations.

7.2. Statute

- 7.2.1. Section 158 of the Local Government Act 2002 requires a bylaw be reviewed no later than 5 years after the date on which the bylaw was made.
- 7.2.2. The Land Transport Rule: Setting of Speed Limits Rule (54001/1) requires that permanent speed limits be set by bylaw.
- 7.2.3. Section 145 of the Local Government Act 2002 empowers the Council to make a bylaw for its district to protect, promote and maintain public health and safety.

7.3. Policy/Delegation Reference

- 7.3.1. The Committee has the jurisdiction to:
- 1) Administer bylaws within the committee's field of activity and to recommend to the Council any amendments.

Ken Stevenson
Roading Manager

Salwa Kiolous
Roading Graduate Engineer